

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant(s): Bieniarz, et al.

Serial No.:

Filed: June 26, 2003

For: FLUOROETHER COMPOSITIONS
AND METHODS FOR INHIBITING THEIR
DEGRADATION IN THE PRESENCE OF A
LEWIS ACID

Case No.: 6038.US.C4

Express Mail Label No.:EV319419897US

hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express mail in an envelope addressed to the:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Deposit: June 26, 2003

 6/26/03
Robin S. Evans Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Applicants respectfully petition and request that the Examiner consider the listed documents and evidence such consideration by making appropriate notations on the attached form. Copies of the listed documents are attached.

In addition, the following references are included:

- (a) "Sevoflurane Water Content" is a document prepared by the undersigned attorney for the purposes of this Information Disclosure Statement. This document sets forth the water content of each lot of sevoflurane distributed by Abbott Laboratories prior to the filing date of the above-referenced application for patent.
- (b) Document XP-002061444 contains detailed information regarding the inhalation anesthetic halothane. Applicants respectfully submit that there is no indication in this documents that halothane contains a Lewis Acid inhibitor in an

amount sufficient to prevent degradation of halothane.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.


If there is any additional fee due in connection with the filing of this statement, please charge the fee to our Deposit Account No. 01-0025.



23492

ABBOTT LABORATORIES
Telephone: (847) 937-8989
Facsimile: (847) 938-2623

Respectfully submitted,
Bieniarz et al.


Michael R. Crabb
Registration No. 37,298
Attorney for Applicants

Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (37 CFR 1.98 (b))	ATTY. DOCKET NO.	SERIAL NO.
	6038.US.C4	Application Filed Herewith
	APPLICANT(S)	
	Bieniarz, et al	
	FILING DATE	GROUP
	June 26, 2003	1625

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	INVENTOR	CLASS	SUB CLASS	FILING DATE
	A1	2992276	07/11/61	Weinmayr	260	614	05/20/59
	A2	3527813	09/08/70	Terrell	260	614	10/03/66
	A3	3689571	09/05/72	Regan, et al.	260	614	07/31/70
	A4	4080389	03/21/78	Moillet	260	614	12/04/75
	A5	4250334	02/10/81	Coon, et al.	568	683	12/26/79
	A6	4469898	09/04/84	Coon, et al.	568	683	12/06/82
	A7	5684211	11/04/97	Kawai, et al.	568	682	
	A8	6,288,127	09/11/01	Bieniarz, et al	514	722	
	A9	6,444,859	09/03/02	Bieniarz, et al	568	683	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLIC- ATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION
							YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

C1	USP XXII, Official Monographs, Page 726 (isoflurane)
C2	A. Carre, F. Roger, and C. Varinot, "Study of Acid/Base Properties of Oxide, Oxide Glass, and Glass-Ceramic Surfaces," <u>Journal of Colloid and Interface Science</u> , Vol. 154, No. 1, November 1972
C3	M. Hair, "The Nature of Leached Glass Surfaces," <u>Clean Surfaces: Their Preparation and Characterization for Interfacial Studies</u> , Published by Marcel Dekker, Inc. (New York) 1970
C4	I. Chistovskaya and F. Janowski, "Acidic and Catalytic Properties of Boron-Containing Porous Glasses," <u>React. Kinet. Catal. Lett.</u> , Vol. 43, No. 2, 277-282 (1991)
C5	J. Jednacak-Biscan, V. Pravdic, and W. Haller, "Adsorption Phenomena on Glass Surfaces," <u>Journal of Colloid and Interface Science</u> , Vol. 121, No. 2, February 1988
C6	J. March, "Advanced Organic Chemistry," McGraw-Hill Book Company (New York)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

DATE: June 26, 2003

SHEET 2_of_2

Form PTO - 1449 (Modified)

FORM PTO-1449 (Modified)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		6038.US.C4	Application Filed Herewith
		APPLICANT(S)	
		Bieniarz, et al	
(37 CFR 1.98 (b))		FILING DATE	GROUP
June 26, 2003		1625	

OTHER DOCUMENTS (Continued)

C7	XP-002061443; "The Dedgradation, Absorption, and Solubility of Volatile Anesthetics in Soda Lime Depend on Water Content"; David P. Strum, MD, FRCP, and Edmond I. Eger II, MD; Vol. 78, No. 2; February 1994; Baltimore; pages 340-348
C8	Smith, I. et al., Comparison of Induction, Maintenance, and Recovery Characteristics of Sevoflurane - N ₂ O and Propofol-Sevoflurane-N ₂ O with Propofol Isoflurane - N ₂ O Anesthesia. Anes. Analg. Vol. 74, pages 253-259, 1992
C9	Sevoflurane Water Content, Abbott Laboratories
C10	XP-002061444; Dressing J., Spencer A., Kieviet O.S.: "Repertorium 94/95", 1994, NL., S-Gravenhage, SDU, The Hague
EXAMINER	
DATE CONSIDERED	
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

(Form PTO 1449)